

To: Allison Castellan [allison.castellan@noaa.gov]; N=Don
 Waye/OU=DC/O=USEPA/C=US@EPA[]
Cc: CN=Jayne Carlin/OU=R10/O=USEPA/C=US@EPA[]
From: CN=David Powers/OU=R10/O=USEPA/C=US
Sent: Tue 11/27/2012 5:28:54 PM
Subject: fund withholding language
[Image.1349298068741.gif](#)
<http://www.epa.gov/r10earth/tmdl.htm>
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 (embedded image)

Ex. 5 - Deliberative

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-----Jayne Carlin/R10/USEPA/US wrote: -----

To: Allison Castellan <allison.castellan@noaa.gov>
From: Jayne Carlin/R10/USEPA/US
Date: 10/02/2012 06:18PM
Cc: David Powers/R10/USEPA/US@EPA, Don Waye/DC/USEPA/US@EPA, Jennifer
 Wu/R10/USEPA/US@EPA
Subject: Re: Drafting Dec Settlement Letter to ODEQ RE: TDMLs

Hi Allison,

I sent out the reminder of action items. We did give ODEQ until Oct 12 to provide us with the information so I did not think it was fair to change the deadline on them when it is so close anyway. I suspect that we will not have enough information to make a determination whether implementation of the Oregon Coastal TMDL Approach in the Mid-Coast Sub-basins is likely to result in actions that will achieve and maintain WQS and 2) whether Oregon's plan for developing and updating TMDLs for all sub-basins in the CNPCP

management area using the Oregon Coastal TMDL Approach could satisfy the outstanding forestry condition so it may be a simple kind of letter. What are your thoughts, Jenny or Dave?

Jayne

Jayne Carlin, Watersheds Unit
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Allison Castellan ---10/02/2012 01:39:41 PM---Jayne, I was thinking the Oct. 18th fed call would be focused more on prepping for our next state ca

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Cc: David Powers/R10/USEPA/US@EPA, Don Waye/DC/USEPA/US@EPA, Jennifer Wu/R10/USEPA/US@EPA
Date: 10/02/2012 01:39 PM
Subject: Re: Drafting Dec Settlement Letter to ODEQ RE: TDMLs

Jayne, I was thinking the Oct. 18th fed call would be focused more on prepping for our next state call (immediately following) so it would probably be good to have a focused discussion on the letter sooner. As Jenny reminded everyone, we did ask the state to provide us with any additional info the the mid-coast TMDL/bmps by the end of Sept/early Oct. for us to consider as part of this letter. Now would be a good time to remind them of that.

Jayne, since you're the keeper of action items from the meetings, is that something you could do? I would say we'd need info from the state by Oct. 10th at the latest.

Allison

On Tue, Oct 2, 2012 at 3:54 PM, Jayne Carlin <Carlin.Jayne@epamail.epa.gov> wrote:
Hi Allison,

We already have a call scheduled for Oct 18. Should we schedule another meeting a week earlier? I will be out of town Oct 10-12.

On the action items:

By October 12, OR DEQ, with assistance from the Mid-Coast TMDL Team, will provide any information available that will help NOAA/EPA prepare a written assessment (especially information on specific BMPs) to OR DEQ with copy to the plaintiff on 1) whether implementation of the Oregon Coastal TMDL Approach in the Mid-Coast Sub-basins is likely to result in actions that will achieve and maintain WQS and 2) whether Oregon's plan for developing and updating TMDLs for all sub-basins in the CNPCP management area using the Oregon Coastal TMDL Approach could satisfy the outstanding forestry condition.

Jayne

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Allison Castellan ---10/02/2012 11:47:57 AM---All-- As you know, per the settlement agreement, we owe ODEQ (with cc to

From: Allison Castellan <allison.castellan@noaa.gov>
 To: David Powers/R10/USEPA/US@EPA, Jayne Carlin/R10/USEPA/US@EPA, Don Waye/DC/USEPA/US@EPA,
 Cc: Jennifer Wu/R10/USEPA/US@EPA
 Date: 10/02/2012 11:47 AM
 Subject: Drafting Dec Settlement Letter to ODEQ RE: TDMLs

All--

As you know, per the settlement agreement, we owe ODEQ (with cc to Plaintiff) a letter providing an initial assessment of the adequacy of OR's implementation-ready TMDL approach for meeting CZARA requirements by Dec. 31, 2012. According to the settlement agreement, the written statement must assess whether:

1. implementation of the IR-TMDL for the Mid-Coast Basin, including safe harbor BMPs, is likely to result in actions to achieve and maintain water quality standards, and
2. the IR-TDML plan to developing/updating TMDLs for all subbasins within the 6217 mgnt area could satisfy the outstanding additional MMs for forestry condition.

We are to based our assessment on:

1. OR's July 2, 2010 AG's opinion
2. ODEQ's July 26, 2010 commitment letter
3. The state's schedule for implementing IR-TMDL's throughout the 6217 mgnt area (NOAA/EPA requests on Mar. 31, 2011; state provided July 2011)
4. Completed Mid-Coast Basin TMDL (requested by June 30, 2012; still under development)
5. Other documents

The settlement agreement also notes that EPA and NOAA shall consider any comments Plaintiff may have submitted with respect to ODEQ's proposed TMDLs and BMPs.

Since this will need to go through legal review and joint clearance at EPA and NOAA, we should start drafting that letter soon.

It would be good for us to touch base to discuss a framework for this letter so we can get started. Please let me know your availability for a call Thurs Oct. 4th-Fri Oct. 12th. (Remember Mon. Oct. 8th is a holiday) so I can set something up.

Thanks!

Allison

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